

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHRISTOPHER SADOWSKI,	:
Plaintiff,	:
– against –	:
	:
YESHIVA WORLD NEWS, LLC,	:
	:
Defendant.	:
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**ORDER ADOPTING REPORT
AND RECOMMENDATION**

21-CV-7207 (AMD) (MMH)

ANN M. DONNELLY, United States District Judge:

On December 31, 2021, the plaintiff filed this action alleging infringement under the Copyright Act, 17 U.S.C. § 101 *et seq.* (*See generally* ECF No. 1.) The plaintiff is a professional photographer who alleges that the defendant published one of his photographs on its website, for commercial use, without getting his permission. (*Id.* ¶¶ 6-9, 16, 18-20.) On June 6, 2022, the plaintiff moved for default judgment seeking actual and statutory damages, costs, attorney’s fees, and a permanent injunction preventing the defendant or any of its affiliates from committing any further infringement. (ECF No. 11.)

I referred the motion to the Honorable Marcia Henry, who issued a comprehensive report and recommendation on March 16, 2023 (ECF No. 14), in which she recommends that the Court grant the plaintiff’s motion in part. Judge Henry found that the plaintiff was the owner of a valid copyright, that his work was original, and that the defendant violated his exclusive rights as copyright owner. (*Id.* at 7-10.) Accordingly, she recommended that: (1) a default judgment be entered against the defendant; (2) a preliminary injunction be issued against the defendant, requiring it to remove the Photograph from its website and to refrain permanently from infringing upon the plaintiff’s copyright; and (3) the plaintiff be awarded damages of \$11,197,

which includes: (a) \$7,500 in statutory damages, (b) \$3,125 in attorney’s fees, and (c) \$572 in costs. (ECF No. 14 at 1-2.)¹ Judge Henry also recommended that that I deny the plaintiff’s “passing request” for prejudgment interest. (*Id.* at 16-17.) No party has filed an objection to the report and recommendation; the time for doing so has passed.

A district court reviewing a report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). To accept a report and recommendation to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *VOX Amplification Ltd. v. Meussdorffer*, 50 F. Supp. 3d 355, 369 (E.D.N.Y. 2014).

I have carefully reviewed Magistrate Judge Henry’s well-reasoned report and recommendation for clear error and find none. Accordingly, I adopt the report and recommendation in its entirety: (1) a default judgment will be entered against the defendant; (2) a preliminary injunction will issue against the defendant, requiring it to remove the photograph from its website and to refrain permanently from infringing upon the plaintiff’s copyright; and (3) the plaintiff is be awarded damages in the total sum of \$11,197, which includes: (a) \$7,500 in statutory damages, (b) \$3,125 in attorney’s fees, and (c) \$572 in costs.

SO ORDERED.

s/Ann M. Donnelly

ANN M. DONNELLY
United States District Judge

Dated: Brooklyn, New York
March 31, 2023

¹ The plaintiff sought \$22,500 in damages, and \$3,132.50 in attorneys’ fees. (*Id.* at 11-12, 17.)